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*Promoting and protecting the health of the public and the environment*

August 31, 2011

**MEMORANDUM**

**TO:** Administrators of Hospitals, Habilitation Centers for the Intellectually Disabled and Hospice Inpatient Facilities

**FROM:** Gwen C. Thompson  
Acting Director, Division of Health Licensing

**SUBJECT:** Conditions Allowing a Provider-wide Exception to the Requirements of Regulation 61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries, Section 504., Regulation 61-13, Standards for Licensing Habilitation Centers for the Intellectually Disabled or Persons with Related Conditions, Section D.(6)(b); Regulation 61-78, Standards for Licensing Hospices, Section 2406.B.

NOTE: This memorandum replaces the memorandum dated September 22, 2005. Amendments were made to comply with Act No. 47 of 2011 and to reflect regulation revisions.

Regulation 61-16, Section 504. requires that, "Hospitals shall provide oxygen for the treatment of patients. When oxygen is dispensed, administered or stored, adequate safety precautions against fire and other hazards shall be exercised. "No Smoking" signs shall be posted conspicuously and cylinders shall be properly secured in place." Regulation 61-13, Section D.(6)(b) requires that, "When oxygen is dispensed, administered or stored, adequate safety precautions against fire and other hazards shall be exercised. "No Smoking" signs shall be posted conspicuously. Cylinders shall be secured." Regulation 61-78, Section 2406.B. requires that, "Safety precautions shall be taken against fire and other hazards when oxygen is dispensed, administered, or stored. "No Smoking" signs shall be posted conspicuously, and cylinders shall be properly secured in place."

Smoking in healthcare facilities may result in fires and the adoption and enforcement of appropriate smoking policies is essential for effective fire prevention. Many licensed facilities have established "No Smoking" policies and procedures that is an important step in improving the level of fire safety in healthcare facilities. The National Fire Protection Association (NFPA) 99, Standard for Healthcare Facilities, 2002 edition, Section 9.6.3.2.2 states, "In health care facilities where smoking is prohibited and signs are (strategically) placed at all major entrances, secondary signs with no-smoking language shall not be required." Additionally, Section 9.6.3.2.3 states, "The nonsmoking policies shall be strictly enforced."

In the interest of establishing reasonable standards which can be met by providers and yet do not compromise the health and well-being of patients, residents, or clients cared for in the above facilities, it has been determined that alternative standards will be considered as acceptable. All hospitals, habilitation centers, and hospice inpatient facilities will be required to meet the standard outlined in each facility's respective licensing standard, *i.e.*, Regulation 61-16, Section 504; Regulation 61-13, Section D.(6)(b); Regulation 61-78, Section 2406.B., or, as an alternative:

Only in "Smoke-Free" facilities, "No Smoking" signs shall not be required in and in the vicinity of patient, resident, or client bedrooms where oxygen is being administered provided all 3 of the following conditions are met:

1. Smoking is prohibited; and
2. The facility nonsmoking policy is strictly enforced; and
3. "Smoke-Free" signs are strategically placed at all major entrances.

"No Smoking" signs will still be required in and in the vicinity of patient, resident, or client bedrooms where oxygen is being stored, as well as all other required areas of the facility.

These exceptions apply to any hospital, habilitation center, or hospice inpatient facility licensed by the Department. It relates solely to SC licensing standards. Any adverse condition(s) that may be related to these exceptions may result in revocation of these exceptions by the Department.

If there are questions, please call 803-545-4370.

GCT/rms